

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARK A. LIVINGSTON

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Civil No. – JFM-16-482

U.S. DEPARTMENT OF HOMELAND
SECURITY

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MEMORANDUM

Plaintiff has filed this action for employment discrimination against his employer, Jeh C. Johnson, Secretary of the U.S. Department of Homeland Security. Plaintiff has filed a motion to dismiss for improper venue or, alternatively, to transfer venue. The motion will be treated as one to transfer venue and, as such, will be granted.

Plaintiff was the Deputy Assistant Administrator of Transportation Security Administration's Office of Intelligence and Analysis. He worked in TSA's headquarters in Arlington, Virginia, and occasionally in Maryland. His employment records are located in Arlington. Arlington was the location where TSA supervisors decided to remove plaintiff. It appears that the majority of witnesses work in Arlington.

Against this background it is clear that this case would best be tried in the Eastern District of Virginia, Alexandria Division, which is approximately seven miles from TSA's headquarters in Arlington. There is no question that the action could have been filed there and under the circumstances it is in the interest of justice that the action be litigated there. 13

A separate order of transfer is being entered herewith.

Date: Sept 13, 2011

J. Frederick Motz
United States District Judge

U.S. DISTRICT COURT
DISTRICT OF COLUMBIA
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CIVIL ACTION
ATTORNEY